

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES MACKAY and CELEBRITY
FOODS, INC.,
Plaintiffs,**

v.

**WILLIAM F. DONOVAN and SPINE
PAIN MANAGEMENT, INC.
Defendants.**

:
:
:
:
:
:
:
:
:
:
:

**CIVIL ACTION
NO. 10-218**

ORDER

AND NOW, this 14th day of October, 2010, upon review of Defendants' Motion to Dismiss Pursuant to Rule 12(b)(2) and 12(b)(3) [Doc. No. 6 and 7] and Plaintiffs' response thereto [Doc. No. 14 and 15], and for the reasons set forth in the attached Memorandum Opinion, it is hereby **ORDERED** that Defendants' Motion is **DENIED**.

Upon review of Defendants' Motion to Dismiss Pursuant to Rule 12(b)(6) [Doc. No. 8 and 9] and Plaintiffs' response thereto [Doc. No. 11 and 12], and for the reasons set forth in the attached Memorandum Opinion, it is hereby **ORDERED** that Defendants' Motion is **GRANTED** and Counts I, II, III, V, and VIII are hereby **DISMISSED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE